

## **REMARKS**

Applicants have carefully examined the Office Action of May 28, 2009, in which claims 1-40 are pending and have been rejected. Favorable further examination is requested in light of the above amendments and following remarks.

### ***Claim Amendments***

Claims 1, 2, 3, 6, 9, 10, 12, 13, 21, 22, 23, and 32 have been amended. Support for these amendments may be found, for example, in paragraphs 85-95 of the specification as filed. No new matter has been introduced.

### ***Claim Rejections under 35 U.S.C. §102***

Claims 1-40 were rejected under 35 U.S.C. §102(e) as being clearly anticipated by Matsuda, U.S. Patent No. 7,086,005. Applicant respectfully traverses the rejection.

Matsuda pertains to a conversation support system compatible with a virtual reality environment where users manipulate avatars to interact in the virtual reality environment. See abstract. Matsuda describes virtual reality environments where users whose avatars are not in proximity, or where one of the users is not “logged in” to the virtual reality environment, can communicate with each other by the use of virtual cell phones within the virtual reality environment. Thus, as Matsuda describes it, the users of two avatars not in proximity in the virtual reality environment can communicate through virtual cell phones, or a user making a call from the real world can communicate with another user by making a call to a virtual cell phone of an avatar of a user who is logged-in into the virtual reality environment, and vice versa. Significantly, avatars, as used in Matsuda, are “alter egos” of the users, or, in other words, puppets that the users manipulate to interact through the virtual reality environment. As described by Matsuda, “The avatar is a type of application object generated by an application program. Information (for example, current position, attire, name, and gender) about each avatar in a shared virtual space is shared among the log-in users.” Column 4, lines 59-63.

In contrast, claim 1 recites a communication device where users can get information about another user (“a person” in claim 1). The system of claim 1 identifies the first and second communication devices by identifying first and second attributes of the first and second communication devices. These attributes may be, for example, the phone numbers associated

with the communication devices. Avatars associated with the attributes of each communication device may be then communicated to each communication device. The communication of the avatar involves sending a visual representation of the avatar to the communication device. In this manner, a person may control what information is sent to different people. For example, a person (automatically through the communication system) may send the user of the first communication device an avatar that indicates that he is at an offsite location, while the person may send the user of the second communication device an avatar that indicates that the person is busy and unable to answer the phone. The person may set up the communication system to do this automatically, and update it as he sees fit.

In contrast, the system of Matsuda merely allows phone calls between an actual person using a telephone handset and a person manipulating an avatar (or puppet) in a virtual reality environment. Matsuda fails to teach that an avatar is selected based on an attribute of a communication device, fails to teach that different avatars can be selected based on attributes of different communication devices and fails to teach communicating an avatar by sending a visual representation of the appropriate avatar to the appropriate communication device. Applicants therefore respectfully submit that Matsuda does not teach each and every element of claim 1 and for at least this reason does not anticipate claim 1. As claims 2-11 depend from claim 1 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claim 12 has been amended to recite “whereby a visual representation of the avatar in the virtual environment is sent to the mobile telephone handset.” Such a feature is not disclosed by Matsuda. So far as applicants can tell, Matsuda only discloses sending messages to a mobile telephone handset, and not visual representations of the avatar in the virtual environment.

For at least this reason, therefore, applicants submit that claim 12 is not anticipated by Matsuda and is in condition for allowance. As claims 13-20 depend from claim 12 and contain additional elements, applicants submit that these claims are likewise in condition for allowance. Claim 21 is directed to a communication method and has been amended to recite “determining an attribute of a second communication device; identifying a second avatar by using the attribute of the second communication device, wherein the second avatar is such that it conveys to a viewer thereof information about the person, and wherein the second avatar is different from the first avatar; and communicating the second avatar in a virtual environment to the second

communication device.” As discussed above with respect to claim 1, Matsuda does not disclose communicating first and second avatars to two different communication devices based on attributes of those communication devices. For at least this reason therefore, applicants submit that this claim is not anticipated by Matsuda and is in condition for allowance. As claims 22-31 depend from claim 21 and contain additional elements, applicants submit that these claims are likewise in condition for allowance.

Claim 32 is directed to a communication method and has been amended to recite “the communication of the avatar comprising conveying a visual representation of the avatar in the virtual environment to a visual display of the mobile telephone handset.” As discussed above, Matsuda does not disclose such a step. Matsuda teaches only communicating messages to a mobile telephone handset. For at least this reason therefore, applicants submit that this claim is not anticipated by Matsuda and is in condition for allowance. As claims 33-40 depend from claim 32 and contain additional elements, applicants submit that these claims are likewise in condition for allowance.

### ***Conclusion***

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By her Attorney,



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